

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

---

DR. MILOS JIRICKO,

Plaintiff,

v.

FRANKENBURG JENSEN LAW FIRM;  
CAROLYN STEVENS JENSEN, lawyer,  
JENIFER M. BRENNAN, lawyer, KEITH  
KELLY, State Judge in his official and  
personal capacity, HEATHER  
BRERETON, Judge in her official and  
personal capacity,

Defendants.

**ORDER ADOPTING MARCH 14, 2017,  
REPORT AND RECOMMENDATION**

Case No. 2:16-cv-132-DB

District Judge Dee Benson

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Evelyn J. Furse on March 14, 2017, recommending that the district court dismiss all claims against Keith Kelly and Heather Brereton (collectively, the “Judicial Defendants”) for failure to state a claim. (Dkt. No. 76.)

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of service pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. On March 28, 2017, Plaintiff filed an Objection to the Order, reiterating the arguments made in his opposition to the Judicial Defendants’ motion.

De novo review, including a review of the record that was before the magistrate judge and the reasoning set forth in the Report and Recommendation, has been completed. The court agrees with the reasoning and assessment of the magistrate judge. Plaintiff’s Objection does not alter that assessment, as Plaintiff has failed to plead facts that would plausibly support his claim

that the Judicial Defendants lacked jurisdiction in the state judicial proceedings, that Plaintiff's claims cannot be effectively litigated in state court, or that the Judicial Defendants are the proper party to defend the constitutionality of the Utah Health Care Malpractice Act. The March 14, 2017, Report and Recommendation of Magistrate Judge Furse is hereby ADOPTED and all claims against the Judicial Defendants are hereby DISMISSED for failure to state a claim.

DATED this 30<sup>th</sup> day of March, 2017.

BY THE COURT:

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive, flowing style.

---

Dee Benson  
United States District Judge